

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

William A. Henley,	)	C/A No. 8:11-1487-JFA-JDA
	)	
Plaintiff,	)	
v.	)	ORDER
	)	
William Byars, SCDC Commissioner; Willie	)	
Eagleton, Evans Warden; Thomas Moore,	)	
SCDC Medical Director; Amy Smith, Evans	)	
Head Nurse; and B. Drego, Evans Medical	)	
Doctor	)	
	)	
Defendants.	)	
	)	

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The *pro se* plaintiff, William A. Henley, brings this action pursuant to 42 U.S.C. § 1983 alleging that the defendants were deliberately indifferent to his medical needs in violation of his constitutional rights. The plaintiff is an inmate with the South Carolina Department of Corrections.

The Magistrate Judge assigned to this action<sup>1</sup> has prepared a Report and Recommendation and opines that the defendants' motion for summary judgment should be granted.<sup>2</sup> The Report sets forth in detail the relevant facts and standards of law on this

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<sup>1</sup> The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

<sup>2</sup> An order was issued pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975) notifying plaintiff of the summary dismissal procedure and possible consequences if he failed to adequately respond to the motion for summary judgment. Plaintiff did not respond to the motion.

matter, and the court incorporates such without a recitation.

The parties were notified of their right to file objections to the Report and Recommendation which was issued and mailed on August 1, 2012. The plaintiff did not file objections to the Report and the time within which to do so has expired. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

The Magistrate Judge suggests that plaintiff has not established that his alleged medical needs constitute a sufficiently serious medical condition and that a claim of deliberate indifference to serious medical needs requires a greater showing than the plaintiff has made. The Magistrate Judge also opines that the defendants, in their official capacities, are entitled to Eleventh Amendment immunity.

After carefully reviewing the applicable laws, the record in this case, and the Report and Recommendation, this court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. The Report is incorporated herein by reference.

Accordingly, the defendants' motion for summary judgment (ECF No. 39) is granted and this action is dismissed with prejudice. Plaintiff's motion for summary judgment (ECF No. 57) is denied.

IT IS SO ORDERED.

August 22, 2012  
Columbia, South Carolina



Joseph F. Anderson, Jr.  
United States District Judge